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C O N F I D E N T I A L SECTION 01 OF 02 HONG KONG 001968

SIPDIS

DEPT FOR EAP/CM

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TAGS: [PREL](#) [PHUM](#) [PGOV](#) [CH](#) [HK](#)
SUBJECT: REQUEST FOR DEMARCHE: ZHOU YONGJUN

Classified By: Acting Consul General Christopher Marut for reasons 1.4(b) and (d).

¶1. (C) Action Request: Post requests Department concurrence to approach Hong Kong Secretary for Justice Wong Yan-lung to request formal clarification of the departure from Hong Kong to Mainland China of U.S. LPR Zhou Yongjun. This case has drawn increased media attention in recent weeks, as an NGO headed by two prominent legislators has taken up Zhou's cause and challenged the Hong Kong government to explain how Zhou went from Hong Kong to the Mainland. Post further requests concurrence in sharing our proposed demarche points with UK and EU representatives in Hong Kong (who have taken an interest in the case) and, as appropriate, making our approach either jointly or in coordination with the EU. Background and proposed points follow.

¶2. (SBU) Background: According to media and activist reports, Zhou was halted by Hong Kong Immigration when he attempted to enter the SAR at the Macau ferry terminal September 28, 2008. Zhou was carrying a Malaysian passport he reportedly purchased from a broker in Malaysia and which identified him as "Wang Xingxiang." Zhou was subsequently questioned, reportedly by the Hong Kong police, who were seeking a "Wang Xingxiang" in connection with attempted fraud against Hong Kong's Hang Seng Bank (a subsidiary of HSBC). Through handwriting analysis and other means, police reportedly concluded Zhou was not the person they sought, and returned custody to Hong Kong Immigration. Hong Kong Immigration reportedly refused Zhou entry into Hong Kong, but also refused to allow him to return either to Macau or the United States. Subsequently, by means and legal process as yet unexplained, Zhou was transported across the SAR border into Shenzhen, where he was taken into custody.

¶3. (SBU) Media and Hong Kong legal activists report there is no formal rendition or extradition mechanism between the SAR and the Mainland. We cannot say definitively, however, that there is no mechanism to legally transfer an individual from Hong Kong to the Mainland based on case-specific circumstances. Per standard practice, Immigration has declined to comment on "specific cases." Statements by Immigration and others in the Hong Kong government have confirmed that standard practice is that persons denied entry into the SAR are returned either to their point of embarkation (for Zhou, this would have been Macau) or their point of origin (the United States).

¶4. (C) Post proposes to raise this issue with Secretary for Justice Wong for the following reasons:

- We expect that, if approached, Immigration would revert to their standard refusal to discuss individual cases;
- We anticipate the Security Bureau, which oversees Immigration, would offer a similar answer;
- Department of Justice is in the best position to explain

what, if any, legal mechanisms may exist to effect the sort of transfer described in Zhou's case; and

15. (C/Rel EU/UK) Proposed points for demarche:

-- The United States is following the case of former Tiananmen activist and U.S. lawful permanent resident Mr. Zhou Yongjun, currently in custody in Suining City, Sichuan Province, on charges of fraud.

-- We understand that Mr. Zhou was halted attempting to enter the Hong Kong SAR September 28, 2008. He was refused entry despite reportedly having been interviewed by Hong Kong police, who themselves found no reason to place him in custody.

-- We understand that Mr. Zhou was also refused permission to return to either Macau (his point of embarkation) or the United States (his point of origin). Immigration has stated publicly its policy is normally to return those refused entry to either their point of embarkation or their point of origin. Instead, Mr. Zhou was reportedly transported across the SAR border to Shenzhen.

-- We are unaware of any formal extradition or rendition mechanism between the Mainland and the Hong Kong SAR. We would therefore request clarification of what mechanisms exist that would permit such a transfer under any circumstances.

-- We also request clarification of circumstances surrounding Mr. Zhou's movement to the Mainland. In

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particular, we request to know if there are any outstanding legal orders against Mr. Zhou in Hong Kong and/or whether Hong Kong judicial authorities or other competent authorities have determined that Mr. Zhou was liable for transfer to the Mainland.

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